

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

THOMAS LEE MERCER,

Defendant/Movant,

CASE NO. 07-20167

09-13350

Hon. Lawrence P. Zatkoff

OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Appointment of Counsel (Docket #42) and Defendant's Motion for Second Leave of Court to File Addendum to Defendant's Motion for Reconsideration (Docket #52). This Court denied Defendant's 28 U.S.C. § 2255 Motion on May 24, 2010. On August 19, 2010, the Court denied Defendant's: (1) Motion for Reconsideration, (2) Defendant's Motion for Leave of Court to File Addendum to Defendant's Motion for Reconsideration, and (3) Motion for Certificate of Appealability.

The Court has reviewed and now denies Defendant's Motion for Appointment of Counsel. Defendant "possesse[s] no right to counsel in the prosecution of a § 2255 motion, *Brown v. United States*, 20 Fed. App'x 373, 375 (6th Cir. 2001) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)), and the Court finds that Defendant has not asserted a sufficient basis for appointing counsel in this matter. The Court finds that Defendant has asserted no new arguments in his Motion for Second Leave of Court to File Addendum to Defendant's Motion for Reconsideration. Accordingly, the Court DENIES that motion as well.

Therefore, for the reasons stated above, Defendant's Motion for Appointment of Counsel (Docket #42) and Defendant's Motion for Second Leave of Court to File Addendum to Defendant's Motion for Reconsideration (Docket #52) are DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 7, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 7, 2010.

S/Marie E. Verlinde
Case Manager
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